

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**October 17-21, 2005**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
10-17	EX	78079533	Paracel, Inc.	Seeherman Hanak* Walters	2(e)(1)	Refusal Affirmed		"TRANSCRIPT-ASSEMBLER" [computer software used for collection, organization, analysis, integration and communication of scientific data in the field of biotechnology and life science]		Levin	No
10-18	EX	76436826	The Place, Inc.	Seeherman Bucher Grendel*	2(e)(1)	Refusal Affirmed		"THE GREATEST BAR" [restaurant and bar services]		Linnehan	Yes
10-20	EX	76391643	Specialty Sports Limited	Chapman Grendel* Rogers	2(d)	Refusal Affirmed as to each cited registration		design mark [motorcycle clothing, namely, suits, jackets, pants, gloves, boots, rainsuits, t-shirts, hats, and shirts]	<i>2 cited registrations, both owned by the same entity: design mark [various goods in Classes 9, 18, and 25, including protective helmets for motorcyclists, protective spectacles for motorcyclists, and protective apparel for use when motorcycling, namely, suits, bibs, knee protectors, elbow pads, and gloves] and "AXO" (and design) [various goods in Classes 9, 18, 25, and 28, including all those listed above, plus motorcyclist boots]</i>	Singleton	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**October 17-21, 2005 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
10-20	CANC	92024565	International Association of Sufism v. Nader Angha	Quinn Kuhlke Walsh*	fraud	Petition to Cancel Dismissed		"MAKTAB TARIGHAT OVEYSSI SHAHMAGHSOUDI (SCHOOL OF SUFISM)" [educational and religious publications, namely, pamphlets, booklets, books, manuals, and newsletters]			No
10-20	OPP	91159343	El Encanto, Inc. d/b/a Bueno Foods v. La Tortilla Factory	Seeherman Hairston*	2(d)	Opposition Dismissed	"GRANDMA'S FROM OUR FAMILY TO YOURS BUENO SINCE 1951" (and design) [tortillas]	"SOY BUENO" [tortillas]			No
10-20	EX	76395781	Wai Kwong Wong	Hanak* Quinn Hairston	2(e)(1) [deceptively mis-descriptive]; 2(a) [deceptive]	Refusal Reversed		"DUCHESS" [women's clothing, namely, dresses, pants, skirts, tops, jeans and shorts]		Oslick	No
10-21	EX	76414813	Panasonic Corporation of North America	Chapman* Bucher Grendel	genericness [whether applicant's mark is registrable on the Supplemental Register]	Refusal Affirmed		"PUREFLAT" [television monitors]		Borsuk	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**October 17-21, 2005 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
10-21	OPP OPP OPP OPP OPP	91122072 91122224 91122193 91122450 91122712 91150237	First Niagara Insurance Brokers, Inc. v. First Niagara Financial Group, Inc.	Sams Walters* Walsh	2(d); whether opposer has used its marks "in commerce"	Opposition Dismissed in all six cases	"FIRST NIAGARA," "FIRST NIAGARA INSURANCE BROKERS," and "FIRST NIAGARA INSURANCE BROKERS, INC." (and design) [ <i>all three marks for insurance brokerage services and other financial services</i> ]	"FIRST NIAGARA" [banking services, insurance services ( <i>of various sorts</i> ), financial services ( <i>of various sorts</i> ), leasing services (of office equipment, construction equipment, building machinery, and motor vehicles)]; "FIRST NIAGARA FINANCIAL GROUP" and "FIRST NIAGARA" (and design) [ <i>both marks for the same services recited above</i> ]; "FIRST NIAGARA ONLINE," "FIRST NIAGARA BANK'S CUSTOMER CONNECTION LINE," and "FIRST NIAGARA E-CD" [ <i>all three marks for banking services</i> ]			Yes

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member